

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

February 23, 2000
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor John Keegan, Peoria, Acting Chairman	Councilmember Dennis Kavanaugh for Mayor
Mayor Ron Drake, Avondale	Wayne Brown, Mesa
* Mayor Dusty Hull, Buckeye	* Mayor Edward Lowry, Paradise Valley
* Mayor Edward Morgan, Carefree	* Mayor Skip Rimsza, Phoenix
* Mayor Vincent Francia, Cave Creek	* Mayor Mark Schnepf, Queen Creek
Councilmember Boyd Dunn for Mayor Jay	* President Ivan Makil, Salt River Pima-Maricopa
Tibshraeny, Chandler	Indian Community
Mayor Cel Arias, El Mirage	Councilmember Robert Pettycrew for Mayor
* Mayor Sharon Morgan, Fountain Hills	Sam Campana, Scottsdale
* Mayor Chuck Turner, Gila Bend	Mayor Joan Shafer, Surprise
* Governor Donald Antone, Gila River Indian	Vice Mayor Ben Arredondo for Mayor Neil
Community	Giuliano, Tempe
Mayor Cynthia Dunham, Gilbert	Mayor Adolfo Gamez, Tolleson
* Mayor Elaine Scruggs, Glendale	Mayor Dallas Gant, Wickenburg
Mayor Bill Arnold, Goodyear	Mayor Eugene Russell, Youngtown
* Councilmember Margarita Garcia, Guadalupe	F. Rockne Arnett, ADOT
Mayor Colin Barleycorn, Litchfield Park	Bill Beyer, Citizens Transportation Oversight
Supervisor Andy Kunasek, Maricopa County	Committee

*Those members neither present nor represented by proxy.

1. **Call to Order**

The meeting of the Regional Council was called to order by Acting Chairman John Keegan at 5:10 p.m.

2. **Pledge of Allegiance**

Acting Chairman Keegan introduced proxies Councilmember Boyd Dunn for Mayor Jay Tibshraeny from Chandler, Councilmember Dennis Kavanaugh for Mayor Wayne Brown from Mesa, Councilmember Robert Pettycrew for Mayor Sam Campana from Scottsdale, and Vice Mayor Ben Arredondo for Mayor Neil Giuliano from Tempe.

Acting Chairman Keegan announced that the RPTA has generously agreed to provide transit tickets for individuals who use the bus to get to the Regional Council meeting. He stated that tickets are available following the meeting from Ken Driggs of the RPTA.

Acting Chairman Keegan announced that for agenda item #14, Resolution to Support Legislation to Authorize Maricopa County to Impose Swift and Certain Remedy for Violations of Fugitive Dust Control Rules, information from Maricopa County and the business community regarding SB14480 was at each place. He said that agenda item #16, Annual Evaluation of the MAG Executive Director, would be continued until the next Regional Council meeting. Acting Chairman Keegan stated that for agenda item #17, MAG Fiscal Analysis Unit Annual Report, an addendum to the agenda and the report was at each place.

3. Approval of January 7, 2000 and January 19, 2000 Meeting Minutes

Acting Chairman Keegan asked if there were any corrections to the minutes of the January 7, 2000 and January 19, 2000 meetings. Hearing none, he asked for a motion to approve.

Mayor Joan Shafer moved, Mayor Eugene Russell seconded, and it was unanimously carried to approve the minutes of the January 7, 2000 and January 19, 2000 meetings, as written.

4. Call to the Audience

Acting Chairman Keegan noted that we have a timer to assist the public with their presentations, which have a three minute time limit. When two minutes have elapsed, the yellow light will come on notifying the speaker that they have one minute to sum up. He said that at the end of the three minute time period, the red light will come on. Members of the audience who wish to speak fill out a card and give it to the MAG staff who will bring it to the Chairman.

Acting Chairman Keegan stated that public comment is provided at the beginning of the meeting for non-agenda items. He indicated that for the action items on the agenda, public comment will be taken when the item is heard. Public comments are limited to three minutes.

Acting Chairman Keegan recognized public comment from Blue Crowley, who commented on the proposed Canamex corridor route in the Wickenburg area passing by schools and a golf course. Mr. Crowley showed an alternate route on a map of the Wickenburg/Phoenix area and indicated that there are favorable conditions for selecting this route. He commented on advertising the transit open house that was scheduled for the following day. The notices are not on buses. Cities need to become more involved in the effort. Mr. Crowley mentioned that federal mandates say to reach out to the underserved. Mr. Crowley mentioned showing bus routes to spring training sites on schedules. Acting Chairman Keegan thanked Mr. Crowley for his comments.

5. Executive Director's Report

James M. Bourey stated that a map showing investment in transportation infrastructure was sent to Regional Council members on February 14th. This map was developed as a result of a request by members at a Regional Council meeting. He mentioned that an additional map showing transportation infrastructure investments since 1985 was being developed and would be sent out in the next few weeks.

Mr. Bourey stated that the consultants, Booz-Allen & Hamilton, are continuing work with the Governor's Transportation Vision 21 Task Force on needs and resources and to develop proposals for the State.

Mr. Bourey stated that approximately \$3 billion in transportation project revenue would be available in federal FY 2001. He noted that the President proposed redirecting \$1.3 billion to AMTRAK, transit, and air quality projects. Mr. Bourey said that it is unlikely that Congress will approve this. He mentioned that our state may receive more than double the amount of last year's extra gas tax revenues.

Mr. Bourey stated that many letters of concern have been received on the Canamex corridor study. He said that work is continuing and any decision on the designation would involve the Regional Council.

Mr. Bourey announced that a joint transportation agency hearing is scheduled for March 2, 2000 at the MAG office. He stated that the full State Transportation Board will attend the hearing. Mr. Bourey encouraged attendance by Regional Council members at the hearing.

Mr. Bourey stated that a successful new construction program was agreed to by the Census Bureau. He said that all addresses in the mail-out, mail-back area provided by cities will receive a questionnaire. New construction information from the cities is due to the Census by April 3rd.

Mr. Bourey introduced a new MAG employee, Shannon Diamond, Transportation Financial Analyst II. Ms. Diamond received her Bachelor's degree in Politics from Scripps's University and her Master's from Syracuse University. She was raised in the Phoenix metro area and recently located back from New York City.

Acting Chairman Keegan thanked Mr. Bourey for his report and asked if there were any questions.

6. Approval of Consent Agenda

Mayor Joan Shafer moved to approve consent agenda items #7, #8, and 9, Mayor Eugene Russell seconded.

Before a vote was taken, Acting Chairman Keegan recognized public comment from Blue Crowley, who commented on agenda item #7, Park and Ride Lot Environmental Analysis. He said that he was on the 1989-1990 Transit Plan Committee that inserted language that park and ride lots should be built along with freeway construction. Mr. Crowley stated that park and ride lot construction needs to be accelerated. He said that he will win if the transit tax election is won or not. Mr. Crowley stated that the Brown Cloud report should be based on the Phoenix metro area, not Denver. Concerning the 2000-2004 TIP, he said that alternative modes of transportation need to be considered. He commented on the integration of flashing signals, as in the City of Goodyear. Acting Chairman Keegan thanked Mr. Crowley for his comments.

Acting Chairman Keegan asked for a vote on the motion to approve the consent agenda. The motion to approve the consent agenda items #7, #8, and #9 was unanimously carried.

7. Park and Ride Lot Environmental Analysis

The Regional Council, by consent, approved amending the FY 2000 MAG Unified Planning Work Program to contract with the Regional Public Transportation Authority for \$225,000 in MAG CMAQ funds to complete environmental analyses for park and ride lots in the vicinity of: (1) Gilbert Road and Union Pacific Railroad in Gilbert, (2) Power Road and US 60 in Mesa, and (3) Loop 101 and 59th Avenue in Glendale. In May 1999, the Regional Council approved the FY 2000 MAG Unified Planning Work Program (UPWP) and Annual Budget, including \$700,000 for park and ride lot implementation. Of this amount, \$370,000 was for a park and ride lot study to identify twenty sites. Of the remaining \$330,000 in funds, \$225,000 is needed to complete environmental analyses to ensure obligation of funds for three committed near term park and ride lots. Three lots have been programmed in the approved Transportation Improvement Program. Staff recommended that MAG contract with the RPTA to complete the required environmental analyses for these three lots for an amount not to exceed \$225,000. The Transportation Review Committee and the Management Committee concurred with the recommendation.

8. Amendment to the Unified Planning Work Program and Annual Budget for the 2000 Summer Ozone Education Program

The Regional Council, by consent, approved amending the FY 2000 MAG Unified Planning Work Program and Annual Budget to include the FY 2000 Summer Ozone Education Program in an amount not to exceed \$300,000 and to recommend for MAG to contract with the RPTA to conduct the Program in partnership with MAG and the business community. In the Summer of 1999, MAG and the Regional Public Transportation Authority in a partnership with the business community, conducted a Summer Ozone Education Program. This program is important to help this region have no exceedances of the ozone standard for the fourth consecutive year. To conduct the Summer of 2000 program, in June 1999, the Regional Council approved \$300,000 in the FY 2000-2004 MAG Transportation Improvement Program (TIP). To begin preparing for the Summer program, staff is recommending that the FY 2000 MAG Unified Planning Work Program and Annual Budget be amended to include the funding from the TIP and to approve contracting with the RPTA to conduct the program in partnership with MAG and the business community. The Management Committee recommended approval.

9. Amendment to the FY 2000 Unified Planning Work Program and Annual Budget

The Regional Council, by consent, approved amending the FY 2000 Unified Planning Work Program and Annual Budget. In May 1999, the Regional Council approved the FY 2000 Unified Planning Work Program and Annual Budget. Since that time adjustments to the Transportation Improvement Program have been approved by the Regional Council and adjustments from funding agencies have been received. In addition, funding for special projects has been received. To incorporate these changes into the budget, an amendment has been prepared. The Management Committee recommended approval.

10. Valley Vision 2025 Update

Mr. Bourey stated that the Valley Vision 2025 report, summarizing the input received from the committee, collaboratives, subcommittees and public forums over the past two years, was distributed

recently. He noted that the full Committee's work on the report is complete, but the report still needs inclusion of the statistically valid survey to include a more broad-based input. Mr. Bourey summarized the contents of the report. He said that discussions with Westmarc and GPEC on implementation are ongoing. Mr. Bourey mentioned that input from the City Managers has been requested. Mr. Bourey thanked the Regional Council for their support and patience in this effort. Acting Chairman Keegan thanked Mr. Bourey and asked if there were any questions.

11. Tentative Financing for the Superstition Freeway Design-Build Project

Eric Anderson stated that the Arizona Department of Transportation is proposing to advance the completion of the Superstition Freeway High Occupancy Vehicle lanes (HOV). He reviewed the project schedule. Mr. Anderson explained that the advancement of the project would be accomplished through a design-build contract. He said that under a design-build contract, a single team is responsible for the design and construction of the project. The design-build results in earlier completion, which benefits users, less traffic disruption, potential for cost savings because engineers and contractors work together, and establishment of single source of responsibility for design and construction. Mr. Anderson said that the need to adjust funding to fit the cash flow and the possibility of higher project costs are possible disadvantages of design build projects.

Mr. Anderson stated that ADOT estimates that the Superstition project can be completed by approximately December 2003, or 24 months sooner using the design-build delivery process. He said that a Request for Qualifications would be sent out by ADOT, after which a short list is determined. Because of the cost of preparing detailed design-build proposals, ADOT is required by State law to reimburse firms who are short-listed and submit detailed bids. The rate of reimbursement is 0.2 percent of the expected contract, which may add up to \$2 million to the design-build project, if five firms are short-listed. The estimated cost of the HOV project is approximately \$244 million, the length of which was shortened 4.5 miles from Power Road to Val Vista Drive.

Mr. Anderson stated that the City of Mesa has requested that the general-purpose lanes from Price to Val Vista also be included as part of the design-build project. The general purpose lanes are included in the MAG Long-Range Transportation Plan for construction after the 2007 priority projects are completed. Mr. Anderson said that the estimated construction cost of these general-purpose lanes is \$10.9 million. Mesa is willing to pay the estimated \$2.6 million of interest cost to advance the completion of these lanes. The advancement of the general-purpose lanes represents an extension of the MAG Freeway Acceleration Policy to non-Regional Freeway System projects.

Mr. Anderson said that funding for the project is currently programmed in various amounts from 2000 through 2005. To construct the project on an accelerated design-build schedule, financing will be necessary to bridge the timing gap between when the funds are needed for the project and when the funds are programmed. ADOT estimates it would issue up to \$85 million in Grant Anticipation Notes (GANs). He explained that GANs are relatively short-term notes issued to investors and are paid back from future transportation federal funds pledged. The projected interest expense, depending on the interest rate, is approximately \$5.8 million for the HOV portion and \$2.6 million for the acceleration of the general-purpose lanes, which Mesa will pay. Mr. Anderson noted that no other projects would be impacted. The total estimated construction cost, including the general purpose lanes, from Price to Val Vista, is \$256 million.

Mr. Anderson stated that it is anticipated that changes to the Freeway Acceleration Policy will be presented to the Management Committee and Regional Council in March. He said that final approval of the TIP and LRTP is anticipated for June or July. Acting Chairman Keegan thanked Mr. Anderson for his presentation and asked if there were any questions.

Mayor Barileycorn asked for clarification of the design-build process. Mr. Anderson explained that under a typical project delivery process, the design is completed to 100 percent before the project is bid. In a design-build project, a team moves concurrently, with the design moving just ahead of the construction process. Mr. Anderson said that the Black Canyon Freeway project is an example of the design-build process. He mentioned that the project is ahead of schedule. Mayor Barileycorn expressed concern with the complete review of engineering documents. Mr. Anderson stated that ADOT ensures that design meets engineering standards. He mentioned that Dick Wright, ADOT State Engineer, was present to answer any questions. Bill Beyer stated that CTOC has closely examined the design-build concept. He mentioned that CTOC was impressed with the thoroughness of ADOT's engineering document review.

Acting Chairman Keegan asked for clarification of the cost increase disadvantages. Mr. Anderson replied that there may be a "risk premium" that is added by the bidders to account for the risk due to the lack of complete design at the time of bidding. This may be countered by the competitive bid system. Additionally, there have not been studies conducted on highway design-build projects to say that it results in higher costs.

Mr. Arnett stated that the design-build process is going well nationwide. I-17 is enjoying a fast completion. Staff are in place to check the project during the process. Mr. Arnett stated that the concept is being showcased in Utah on the I-15 project. Mr. Arnett asked Mr. Wright to explain the design-build process. Mr. Wright stated that I-17 is the second design-build project in the State and would be completed 3 years sooner using the design-build process. He said that both office and field staff monitor the project. He explained that there is a check and balance system in place. Mr. Wright mentioned that design-build is not the answer for all projects, but so far has been a good solution.

Mayor Dunham asked about inflation cost savings. Mr. Anderson stated that there is not a definitive answer, but gave a very rough estimate of approximate inflation savings of \$5 to \$10 million due to the acceleration.

Supervisor Kunasek asked about the process to restrict the policy to just RARF projects. Mr. Bourey replied that the policy previously dealt only with the regional freeway program process. The processes have been joined together to examine the entire freeway system. Supervisor Kunasek asked if a bottleneck would be created in the Val Vista segment because of the shortening of the project. Mr. Bourey replied that traffic drops off significantly from this point. Mr. Bourey stated that since no urgent need was present at this time, the project was shortened. He said that the lanes are still in the Long Range Transportation Plan. Acting Chairman Keegan asked if there were further questions.

12. Submission of Applications for the Transportation and Community and System Preservation Pilot Program

Stuart Boggs stated that grants for Transportation and Community and System Preservation Pilot Program (TCSP) are authorized through TEA-21. He said that states, local governments and MPOs

are eligible for funding which totals \$25 million this year. Mr. Boggs stated that grants are to be used for improving the efficiency of the transportation system, reducing the impacts of transportation on the environment, reducing the need for costly future public infrastructure, ensuring efficient access to jobs, services, and centers of trade, and encouraging private sector development patterns. Mr. Boggs said that the Regional Public Transit Authority (RPTA) submitted a \$180,000 TCSP grant request for a Valley Metro System Study. This project would assist RPTA in maximizing the investment which their local members make in public transportation and would reinforce local public sector partnerships in transit. The study would evaluate the efficiency and effectiveness of the region's transit system on a route by route basis across jurisdictional boundaries. In this way, future investment can be targeted to corridors which offer the best return on investment through such strategies as route integration, regionalization, and corridor implementation priorities. Mr. Boggs said that the Study conforms with FHWA planning factors and is in conformance with the MAG Transportation Planning Program. He said that the Study would use \$180,000 in grant money, matched by \$45,000 in local funds. Mr. Boggs stated that Ken Driggs, Executive Director of the RPTA, was present to answer questions. A public comment card was submitted, but Mr. Bourey explained no public comment would be taken on this agenda item since it was for information and discussion only and no action was being taken.

13. Revised MAG 1999 Serious Area Particulate Plan for PM-10

Lindy Bauer stated that the Draft Revised MAG 1999 Serious Area Particulate Plan for PM-10 has been prepared to address the approvability problem identified on November 9, 1999 by the Environmental Protection Agency (EPA). According to EPA, the plan included a 90 percent compliance rate for Maricopa County's fugitive dust control rules in 2006, barely addressed dust on paved roads, and did not reduce dust on private unpaved roads. Ms. Bauer mentioned that if the plan cannot be approved by March 2, 2000, the first sanction will be imposed which involves two to one off-sets for major industrial sources. The EPA indicated that if the plan is not corrected by September 2, 2000, the second sanction will be imposed which involves the loss of federal highway funds.

Ms. Bauer stated that to address the approvability problem, the Regional Council amended the FY 2000-2004 MAG Transportation Improvement Program to include \$7.85 million for Maricopa County paving dirt road projects and \$3.8 million to purchase PM-10 certified street sweepers. The Maricopa County Board of Supervisors submitted a new commitment to address the approvability issues with the County dust control rules and to strengthen the enforcement to support an 80 percent compliance rate. The modeling for the plan was then revised accordingly for the attainment demonstration.

Ms. Bauer stated that Governor Hull requested that EPA shorten the four month approval process for the revised plan to avoid the sanctions. On December 17, 1999, EPA indicated that their review process would be shortened to three months. Under this schedule, the two to one offset sanctions, which impact major PM-10 sources, such as the utilities, would be in place for one month.

Ms. Bauer said that the draft revised plan was sent to EPA December 23, 1999 to begin the approval process. A public hearing on the draft plan was conducted on January 31, 2000. Ms. Bauer summarized the public comments from two individuals received at the hearing. A citizen expressed concern regarding the air quality impacts of the Squaw Peak on nearby homes. The Arizona Center for Law in the Public Interest commented that the plan should also include CARB diesel fuel, additional agricultural measures, a requirement to change-out uncertified wood stoves and fireplaces upon the sale of the home, and a 66 percent compliance rate for the Maricopa County fugitive dust control rules.

Ms. Bauer stated that once a plan has been approved by the EPA, there is a 60-day window in order for the public to file a lawsuit. She mentioned that it is important to note that once the plan is approved, the sanctions clock stops. If the lawsuit is lost, the clock starts again and we would be approximately five months away from sanctions imposing the loss of federal highway funds and one month from industrial sanctions.

The MAG Air Quality Technical Advisory Committee and the Management Committee recommended adoption of the draft revised plan. In order to forward the adopted plan to EPA as soon as possible, this recommendation was presented to the Executive Committee at their meeting on February 14, 2000. She said that the Executive Committee approved adopting the revised plan and it was requested that the Regional Council ratify the Executive Committee's action.

Acting Chairman Keegan stated that the Executive Committee took action on the Plan in order to expedite approval of the Plan by EPA. He indicated that the ratification of the adoption of the revised MAG 1999 Serious Area Particulate Plan for PM-10 plan by the Regional Council was requested. Acting Chairman Keegan recognized public comment from Blue Crowley.

Mr. Crowley mentioned that PM2.5s, penalties for those who don't comply with dust control regulations while using private roads, dust blowers, asphalt re-surfacing, increased efforts for bike and pedestrian, and adding bike lanes instead of just paving shoulders of roads have not been addressed. Mr. Crowley commented on coordinating construction of the bridge at I-17 and Grand with other activities, such as construction of the sound wall and canal dry-up in January.

Councilmember Pettycrew noted the necessity to move forward on this agenda item. He stated that it is important that the EPA be aware that the desert environment is unique and different than the environment in rest of the country.

Councilmember Pettycrew moved, Councilmember Kavanaugh seconded, and it was unanimously carried to ratify the adoption of the Revised MAG 1999 Serious Area Particulate Plan for PM-10.

14. Resolution to Support Legislation to Authorize Maricopa County to Impose Swift and Certain Remedy for Violations of Fugitive Dust Control Rules

Lindy Bauer stated that the City of Mesa requested that the Regional Council consider supporting legislation that would provide Maricopa County with the ability to issue administrative penalties for dust control violations. She explained that the resolution was designed to expedite enforcement. Ms. Bauer then summarized two bills in the Legislature, SB 1439 and SB 1480. SB 1439 includes administrative penalty authority for Maricopa County. The private sector was opposed to SB 1439 and had proposed an amendment to preempt cities from regulating any permitted sources. The bill was held in the Senate Government Committee on February 11, 2000.

Ms. Bauer said that SB 1480 on County Regulatory Reform includes procedures for a county to follow when proposing air quality ordinances, rules, and policies. It also contains a provision which is similar in concept to administrative penalties. SB 1480 allows a county to enter into a mutually agreed upon settlement for monetary payment through an order of abatement, rather than proceeding to court for action. Ms. Bauer stated that the Maricopa County Environmental Services Department staff believes

that the bill and monetary payment provision have merit. On February 21, 2000, the bill passed the Senate floor.

Ms. Bauer stated that on February 8, 2000, the MAG Management Committee considered the Mesa request and then refined the draft resolution to reflect the intent of supporting legislation to authorized Maricopa County to impose swift and certain remedy for violations of the fugitive dust control rules. The Management Committee directed MAG staff to work with stakeholders and the city intergovs to resolve the issue. Ms. Bauer also indicated that the resolution does not apply to the Gila River Indian Community since they are developing their own tribal implementation plan.

Ms. Bauer stated that on February 22, 2000, a meeting was conducted with the private sector, Maricopa County staff, and the city intergovs to discuss SB 1480. Specifically, the private sector and the County indicated that the procedures and process required in SB 1480 would not negatively impact the Maricopa County fugitive dust control rules and the County could use the monetary payment provisions immediately upon the effective date of the bill. Ms. Bauer noted that the private sector and the County have each provided letters to that effect. She said these letters have been distributed to the Regional Council. The County letter also expresses concern regarding adequate funding to carry out the procedures and process requirements in SB 1480. Acting Chairman Keegan thanked Ms. Bauer for her presentation.

Acting Chairman Keegan recognized public comment from Blue Crowley, who stated that the resolution implies that it is all right to pollute as long as fines are paid. Mr. Crowley stated that he agreed with swift and certain remedy, but there needs to be teeth in it. He commented on using street vacuums, not sweepers. Mr. Crowley said to prepare now for next year. Acting Chairman Keegan thanked Mr. Crowley for his comments and asked for discussion by members.

Mayor Russell asked who would be the enforcement agency. Mr. Bourey replied that the County would be responsible. Mayor Russell asked if additional staff would be hired. Supervisor Kunasek replied that a full time County attorney dedicated to the prosecution of violations has been hired. Mayor Russell asked about increased enforcement efforts in the field. Mr. Bourey stated that MAG is working with the County to step up enforcement. He mentioned that the County has a fairly aggressive program for enforcement. Mr. Bourey stated that a model dust control ordinance is being drafted by staff and would be presented to the Regional Council for consideration.

Mayor Barleycorn expressed concern with the criteria used for violations and enforcement. Ms. Bauer stated that a list of violations is a part of the County enforcement policy. She stated that in the past, multiple visits were made to sites where violations occurred. The County is now increasing citations to violators. Al Brown, Maricopa County Environmental Services, summarized the increased County efforts, including the passage of a resolution that was submitted to the EPA, hiring of 15 additional staff members, which includes the attorney, 8 full time field inspectors, and administrative support. Mr. Brown mentioned that the policy will be made public after review completion. He said that twelve specific violations allow immediate citation. This policy will be a streamlined system that will instruct how staff will be empowered.

Acting Chairman Keegan asked for clarification how the field inspectors would determine and substantiate violations. Mr. Brown replied that because violations would be criminal actions, the burden of proof would be with the County to prove charges beyond a reasonable doubt. Acting

Chairman Keegan asked if cities could assist in enforcement. Mr. Brown replied that cities could assist by communicating with contractors through city planning, building, and police departments.

Mayor Arnold asked about efforts in agricultural areas. Mr. Brown stated that agricultural dust control is limited to State agencies. Maricopa County has control over feed lots.

Bill Beyer moved, Adolfo Gamez seconded, and it was unanimously carried to approve a resolution to support legislation to authorize Maricopa County to impose swift and certain remedy for violations of the fugitive dust control rules.

15. ADOT Board Representation on the MAG Regional Council

Acting Chairman Keegan stated that the Regional Council approved the second member of the State Transportation Board as a voting member of the Regional Council for transportation issues. MAG Counsel was directed to prepare the necessary revision to the MAG By-Laws to accommodate this change, which was sent to the members of the Regional Council at least 15 days prior to the meeting.

Acting Chairman Keegan recognized public comment from Blue Crowley, who asked for clarification whether Mayor Gant will receive two votes until his mayoral term is up in May. He commented that both agencies need to be represented. Acting Chairman Keegan noted that Section 1 of Article XIII of the By-Laws Resolution explains the voting procedure. He asked if there were any questions or concerns. Hearing none, Acting Chairman Keegan asked for a motion to approve.

Councilmember Pettycrew moved, Mayor Barleycorn seconded, and it was unanimously carried to approve the By-Laws Amendment providing for the additional State Transportation Board member representing Transportation District One to be a voting member of the Regional Council on transportation related issues.

16. Annual Evaluation of the MAG Executive Director

This agenda item was continued until the following meeting.

17. MAG Fiscal Analysis Unit Annual Report

Eric Anderson stated that each year, MAG produces a report that reviews the MAG Freeway Program. The Annual Report is required by a state law passed in 1992. Its purpose is to address the status of the regional freeway system. Since the first issuance of the Annual Report in April 1992, the Regional Freeway System, as reported in the Arizona Department of Transportation Life Cycle Program, has been in balance with available revenues and construction schedules have been met. The report contains findings related to right-of-way acquisition, right-of-way "take-lines," corridor protection, the South Mountain alignment, limited ability for additional acceleration, the need for an operations and maintenance plan, better design and construction documentation, consolidation of the remainder of the state highways in the MAG region with the RFS, and the adoption of the best management practices for the state highway program in the MAG region. The report also notes that the RFS saved \$194 million due to inflation savings and \$55 million in reduced interest cost as a result of the 2007 acceleration. On March 2, 2000, the Report will be presented at a joint public meeting with officials

from the State Transportation Board, MAG and the RPTA. Acting Chairman Keegan thanked Mr. Anderson for his report and asked if there were any questions.

Acting Chairman Keegan announced that a dinner for the members of the Regional Council and their staff who have confirmed their dinner reservations will be held in the MAG offices on the third floor.

There being no further business, the meeting was adjourned at 6:50 p.m.

Chairman

Secretary